

**REMARKS**

Claims 23-26, 28-30, 32-35, 38, 41-44, 47-51, and 58 constitute the pending claims in the present application. Claims cancelled in this response have been cancelled solely to secure rapid allowance of the remaining claims, which are directed to commercially important embodiments. Applicants reserve the right to prosecute claims of similar or differing scope in subsequent applications. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

Applicants have amended claims 28-43 to be directed to subject matter indicated as allowable by the Examiner. Accordingly, Applicants submit that the rejections under 35 U.S.C. 112 are moot and should be withdrawn.

Claims 1-12, 42, and 52-54 are rejected under 35 U.S.C. §102(b) as being anticipated by EP 335,641. Applicants respectfully traverse this rejection to the extent it is maintained over the claims as amended.

Applicants submit that the cited art fails to anticipate the subject matter of the claims that remain pending. Although the presently claimed compounds may fall within generic structures disclosed in the cited patent, the genus encompassed by the generic structure is too broad to anticipate each and every compound that falls within it. Referring to MPEP 2131.02, Applicants submit that the generic formulae in EP 335,641 are more closely analogous to the broad genus in *In re Petering*, 33 USPQ 275 (CCPA 1962), that “encompassed a vast number and perhaps even an infinite number of compounds” and therefore did not anticipate individual species within that genus. The narrower genus in *Petering* disclosed only about twenty compounds – few enough that the compounds within it could be “at once envisaged.” Such is not the case here, even considering the narrower formulae disclosed in EP 335,641 – many of which require structural features not possessed by the compounds now being claimed. Moreover, not a single specific embodiment disclosed in EP 335,641 possesses a phenolic hydroxyl substituent, present in each of the compounds recited in the pending claims directed to

compositions of matter. Accordingly, a rejection under 35 U.S.C. §102(b) cannot stand. Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 16-26, 44-45, 47-51, and 55-58 are rejected under U.S.C. §103(a) as being unpatentable over EP 335,641, EP 235,198, or US 4,950,467. Applicants respectfully traverse this rejection to the extent it is maintained over the claims as amended.

A prima facie case of obviousness requires that one or more references in the prior art teach all the limitations of the pending claims, provide motivation for one of ordinary skill in the art to arrive at the claimed invention, and provide a reasonable expectation that one of ordinary skill in the art could successfully arrive at the claimed invention. Applicants respectfully submit that a prima facie case of obviousness cannot be made against the remaining rejected claims based only on the art of record.

All of the compounds recited in the remaining rejected claims include phenolic hydroxyl groups, either on the styryl moiety, on a benzylamine, or both. As pointed out above, none of the compounds prepared and tested in the cited references includes a phenolic hydroxyl group. Instead, the most similar groups on compounds disclosed in these references are alkyl ethers, such as methoxy groups, or hydroxyls on alkyl amides very different from the amides now being claimed. Accordingly, Applicants submit that the cited references fail to teach or suggest particular compounds having all the structural features of those presently claimed, and moreover one of ordinary skill in the art would not have been motivated to prepare compounds having the particular structural features recited based on the compounds taught in these references. MPEP 2144.08. Accordingly, Applicants submit that a prima facie case of obviousness against the remaining rejected claims has not been made out. Reconsideration and withdrawal of this rejection is respectfully requested.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is

respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

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**Customer No: 28120**  
Docketing Specialist  
Ropes & Gray  
One International Place  
Boston, MA 02110  
Phone: 617-951-7000  
Fax: 617-951-7050

Respectfully Submitted,



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David P. Halstead  
Reg. No. 44,735